

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|-----------------------------|---|-------------------|
| JERRY L. HANSEN, and STEVEN |) | 4:07CV3086 |
| M. JACOB, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | MEMORANDUM |
| v. |) | AND ORDER |
| |) | |
| SAM SHAW, et al., |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on Plaintiffs' Motion to Alter or Amend (filing no. 21) and Plaintiff Jerry L. Hansen's Motion to Appoint Counsel (filing no. 22). As set forth below, both Motions are denied.

Plaintiffs' Motion to Alter or Amend (filing no. 21) seeks reconsideration of various portions of the court's December 18, 2007 Memorandum and Order. The court has carefully reviewed Plaintiffs' Motion and finds no good cause for reconsideration or alteration of any portion of its December 18, 2007 Memorandum and Order. Plaintiffs' Motion is therefore denied in its entirety.

Also pending is Plaintiff Jerry L. Hansen's Motion to Appoint Counsel. (Filing No. 22.) As the court has previously informed both Plaintiffs, the court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. . . . The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel.” *Id.* Nothing has changed in this matter since Plaintiff's previous request for the appointment of counsel. The Motion to Appoint Counsel is therefore denied without prejudice.

IT IS THEREFORE ORDERED THAT:

1. Plaintiffs' Motion to Alter or Amend (filing no. 21) is denied.
2. Plaintiff Jerry L. Hansen's Motion to Appoint Counsel (filing no. 22) is denied.

March 12, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge